

**T**he problem resolution process is designed to be fair and efficient, and to ensure that all relevant constitutional and legal issues are obeyed. To resolve a complaint, the department must enlist the help of the claimant (the person alleging discrimination) and the respondent (the person or organization responding to the claimant's allegations). The claimant may withdraw the complaint at any stage and pursue the issue in court. **Resolution is attempted at all stages and the process can be concluded whenever the claimant and respondent agree to mutually satisfying terms.** The problem resolution process, which will usually be completed either informally within 14 days, or formally within another 70 days, is briefly outlined below.

**Step 1. First Contact.** If a person has a question about civil rights, or believes s/he has been discriminated against, the first step is to contact the Michigan Department of Civil Rights, via phone, TDD, in person, by mail, or by e-mail, to discuss the situation with a civil rights representative. The representative and the claimant will work together to determine the appropriate resolution option. The options available include:

- Written and spoken information, such as brochures, reports, advice on civil rights
- Educational speakers, training, and other community outreach services
- Referral to:
  - MDCR's Office of Contractual and Business Services for assistance

with organizational planning to eliminate and prevent discrimination.

- Appropriate outside agencies for assistance
- Resolution, both informal and formal, of complaints of illegal discrimination.

In deciding which option to use, the representative will determine if the situation is jurisdictional (protected by Michigan civil rights laws). If the situation is clearly not jurisdictional, the claimant will not enter the complaint resolution phase, but will be offered the first three options. If a complaint is protected by federal civil rights law, but not Michigan law, the department can take the complaint and forward it to the appropriate federal agency for investigation. Federal agencies that complaints may be forwarded to include Housing and Urban Development (HUD), and the Equal Employment Opportunity Commission (EEOC). If the situation is considered to be jurisdictional, the representative will conduct an in-depth interview with the claimant to determine the issues and decide upon the appropriate response.

**Step 2. Initial Statement of Concern.** After the in-depth interview, a *statement of concern* is prepared. This document details the claimant's issues. If the interview reveals a lack of jurisdiction, or if the customer chooses not to continue the process, the *statement of concern* is not sent to the respondent, and it does not result in an investigation. At this stage, the *statement of concern* serves as a computerized record of the situation which

lists any actions the department has taken to assist the claimant. Such action includes information given, education or outreach services offered, and referrals made to outside organizations.

**Step 3. Early Resolution.** If the interview suggests the issue is jurisdictional, then the representative may attempt an early, or informal, resolution. In this case, the representative will telephone the respondent and try to resolve the matter before a formal complaint is officially registered. If the respondent prefers to view a written description of the issue prior to considering a resolution, then the representative will forward the claimant's *statement of concern*. This document will be sent along with a copy of the *MDCR Rights and Responsibilities* brochure. The statement of concern is not a formal complaint. At this stage it is simply used to inform the respondent of the claimant's situation. The respondent must submit a response within 10 days, unless a resolution agreement is reached. The representative will review the response with the claimant, and determine whether the information submitted by the respondent is sufficient to close the matter. If further investigation is warranted, a formal complaint will be processed and officially registered. This early resolution process will be completed within 14 days. If the issue is resolved during the early resolution stage, a settlement agreement may be signed by all parties.

**Step 4. Formal Complaint.** If the issue is still unresolved after the early process, or if the respondent or claimant refuses the early process, the issue is officially registered as a Michigan Department of Civil

Rights complaint. The complaint is entered into the department's computer system and a copy is mailed to the respondent with a set of *interrogatories* and a *department Order* for a response. The respondent will have 28 days to submit the interrogatory answers along with supporting documents.

**Step 5. Investigation.** The complaint is assigned to a civil rights representative for investigation. As part of a complete investigation, the claimant and the respondent both have an opportunity to present evidence to support or refute the issues in the complaint. The investigation may also include a site visit, further claimant interviews, witness interviews, and analysis of the respondent's and claimant's records and documents, by the representative and his or her team.

**Step 6. Investigator's Finding.** The representative prepares a report that contains a decision based on a complete analysis of the evidence. If there is not sufficient evidence to credit the claimant's allegations, the claimant is given an exit interview and the complaint is dismissed.

**Step 7. Conciliation.** If the evidence supports the claimant's allegations, the respondent is invited to a *conciliation conference*. In this confidential meeting the department encourages the respondent to correct the discriminatory situation. If the efforts in conciliation are successful, and the respondent takes the agreed upon corrective action, the case is closed.

**Step 8. Public Hearing.** If the respondent fails to rectify the situation after conciliation, the department may issue a formal

charge and set a date for a public hearing. The hearing is conducted by one or more civil rights commissioners, or a referee. All witnesses testify under oath, the rules of evidence apply, and all parties have the right to examine and cross-examine the witnesses. The burden of proof is on the department and the claimant.

**Step 9. Commission Decision.** Following the hearing and receipt of the referee's report, an appropriate order is issued by the Civil Rights Commission, either dismissing the complaint, or directing that remedial action be taken by the respondent.

**Step 10. Appeal.** A claimant or respondent who does not agree with any final order of the Civil Rights Commission may appeal to the circuit court for review of the case. The Civil Rights Commission may ask the circuit court to enforce an order.



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# COMPLAINT RESOLUTION OPTION

Michigan Department of Civil Rights